

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

FLOYD E. BROADNAX,

Defendant and Appellant.

2d Crim. No. B220090  
(Super. Ct. No. BA351222)  
(Los Angeles County)

Floyd E. Broadnax appeals the judgment entered after he pleaded no contest to failing to register as a sex offender with a prior conviction (Pen. Code,<sup>1</sup> § 290, subd. (b)) and failing to update his registration annually (§ 290.012, subd. (a)). Pursuant to a negotiated plea, he was sentenced to a total term of 16 months in state prison. The trial court dismissed allegations that appellant had served three prior prison terms (§ 667.5, subd. (b)), terminated his probation in several prior matters, and thereby dismissed the pending probation violation charges.

The relevant facts are derived from the probation report and the transcripts of the preliminary hearing. In 1989, appellant was convicted of annoying or molesting a child under 18 years of age, in violation of section 647.6. As a result of the conviction, appellant is subject to the lifetime sex offender registration requirements. (§ 290, subd.

---

<sup>1</sup> All further undesignated statutory references are to the Penal Code.

(b.) In 2003, he was convicted of failing to provide notice of a name change, in violation of former subdivision (f)(3) of section 290. In 2007, he was convicted of failure to file a change of address, in violation of former subdivision (f)(1) of section 290.

On October 15, 2008, appellant appeared at a Los Angeles County police station to register. He completed the standard sex registration form, which advised him of the continuing requirement to update his registration annually within five days of his birthday, and within five days of any change of address.

On December 1, 2008, the police were notified that appellant had left his last registered address on November 28. Appellant did not file a change of address, and subsequently failed to update his registration within five days of his birthday on December 23.

We appointed counsel to represent appellant in this appeal. After counsel's examination of the record, she filed an opening brief raising no issues.

On January 26, 2010, we advised appellant that he had 30 days to personally submit any issues that he wished to raise on appeal. In a timely letter brief, he collaterally attacks the 1989 conviction that qualifies him as a sex offender subject to the registration requirements.<sup>2</sup> According to appellant, there are hospital records proving that he was incapacitated at the time the crime was allegedly committed. He claims the prosecutor and his trial attorney chose to proceed with a probation violation hearing instead of a trial because they could not prove the truth of the prior conviction beyond a reasonable doubt, and that he was coerced to change his plea. He also contends the Los Angeles County Public Defender's Office, which he disparagingly refers to as the "Public Pretender," has a "usual practice" of "tak[ing] the short cut" in defending against charges for failing to register in violation of section 290. Finally, he faults appellate counsel for failing to raise these issues on appeal.

Appellant's claims, all of which effectively attack the validity of his plea, are not cognizable on appeal because he did not obtain a certificate of probable cause.

---

<sup>2</sup> Appellant's brief erroneously identifies the conviction as occurring in 1979.

(§ 1237.5.)<sup>3</sup> In any event, the claims would fail. A certified record of appellant's 1989 conviction, which included a fingerprint sheet, was offered at the preliminary hearing. While appellant complains that the police report, his mug shot, and the transcripts of his prior conviction were not offered, no such proof was necessary. Indeed, the prosecution did not have to prove the prior conviction at all because in pleading no contest appellant effectively admitted its truth.

Appellant's claim that his plea was coerced finds no support in the record either. In exchange for his plea, he was sentenced to the low term of 16 months and three prior prison term allegations were dismissed. The court also terminated appellant's probation in several other matters and thereby dismissed the probation violation charges against him. In light of the valuable concessions appellant enjoyed in exchange for his plea, his claim that the plea was coerced rings hollow. The record is also devoid of any evidence that the public defender's office has an established custom or practice of failing to explore and pursue valid defenses against charges brought under section 290, much less that such custom or practice was employed here.

In light of our conclusions, appellant's claim of ineffective appellate counsel also necessarily fails. The letter from counsel that appellant attached to his brief, purportedly to demonstrate that her representation was deficient, actually supports the opposite conclusion.<sup>4</sup>

---

<sup>3</sup> Appellant requested a certificate of probable cause in the trial court, but that request was denied.

<sup>4</sup> In explaining her reasons for filing a *Wende* brief, counsel wrote: "I understand you wanted to challenge the prior conviction; however, I see no basis for doing so. The statutes are clear that the conviction for violating section 647.6 is an offense which requires mandatory registration for life. [¶] And, the People could easily prove that you were convicted of that offense, as they did at the preliminary hearing. [¶] You also seem to be concerned that you felt pressured to agree to the bargain because the court said it would impose a greater sentence on the probation violations. The court was only telling you the truth of what would happen. You received a good bargain. You could have been sentenced on the probation violations to consecutive sentences."

We have reviewed the entire record and are satisfied that appellant's attorney has fully complied with her responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

NOT TO BE PUBLISHED.

PERREN, J.

We concur:

GILBERT, P.J.

COFFEE, J.

Stephen A. Marcus, Judge  
Superior Court County of Los Angeles

---

Jolene Larimore, under appointment by the Court of Appeal; Floyd E.  
Broadnax, in pro. per., for Appellant.

No appearance for Respondent.